



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3737

Introduced 2/25/2009, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that "construction" includes "construction work on a public utility" and shall, in connection with the construction of any public utility in the State, mean construction, reconstruction, installation, demolition, restoration, and alteration of facilities of the public utility. Provides that "construction work on a public utility" shall not be construed to include operational work, including flaggers, snow plowing, vegetation management in and around utility rights of way, mark outs, janitorial services, landscaping, leak surveyors, meter work, and miscellaneous repairs.

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FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing  
5 Section 2 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,  
8 mechanics and other workers employed in any public works, as  
9 hereinafter defined, by any public body and to anyone under  
10 contracts for public works. This includes any maintenance,  
11 repair, assembly, or disassembly work performed on equipment  
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates  
14 otherwise:

15 "Public works" means all fixed works constructed by any  
16 public body, ~~other than work done directly by any public~~  
17 ~~utility company,~~ whether or not done under public supervision  
18 or direction, or paid for wholly or in part out of public  
19 funds. "Public works" as defined herein includes all projects  
20 financed in whole or in part with bonds issued under the  
21 Industrial Project Revenue Bond Act (Article 11, Division 74 of  
22 the Illinois Municipal Code), the Industrial Building Revenue  
23 Bond Act, the Illinois Finance Authority Act, the Illinois

1 Sports Facilities Authority Act, or the Build Illinois Bond  
2 Act, and all projects financed in whole or in part with loans  
3 or other funds made available pursuant to the Build Illinois  
4 Act. "Public works" also includes all projects financed in  
5 whole or in part with funds from the Fund for Illinois' Future  
6 under Section 6z-47 of the State Finance Act, funds for school  
7 construction under Section 5 of the General Obligation Bond  
8 Act, funds authorized under Section 3 of the School  
9 Construction Bond Act, funds for school infrastructure under  
10 Section 6z-45 of the State Finance Act, and funds for  
11 transportation purposes under Section 4 of the General  
12 Obligation Bond Act. "Public works" also includes all projects  
13 financed in whole or in part with funds from the Department of  
14 Commerce and Economic Opportunity under the Illinois Renewable  
15 Fuels Development Program Act for which there is no project  
16 labor agreement. "Public works" also includes all projects at  
17 leased facility property used for airport purposes under  
18 Section 35 of the Local Government Facility Lease Act.

19 "Construction" means all work on public works involving  
20 laborers, workers or mechanics. This includes any maintenance,  
21 repair, assembly, or disassembly work performed on equipment  
22 whether owned, leased, or rented. "Construction" includes  
23 "construction work on a public utility" and shall, in  
24 connection with the construction of any public utility in the  
25 State, mean construction, reconstruction, installation,  
26 demolition, restoration, and alteration of facilities of the

1 public utility. "Construction work on a public utility" shall  
2 not be construed to include operational work, including  
3 flaggers, snow plowing, vegetation management in and around  
4 utility rights of way, mark outs, janitorial services,  
5 landscaping, leak surveyors, meter work, and miscellaneous  
6 repairs.

7 "Locality" means the county where the physical work upon  
8 public works is performed, except (1) that if there is not  
9 available in the county a sufficient number of competent  
10 skilled laborers, workers and mechanics to construct the public  
11 works efficiently and properly, "locality" includes any other  
12 county nearest the one in which the work or construction is to  
13 be performed and from which such persons may be obtained in  
14 sufficient numbers to perform the work and (2) that, with  
15 respect to contracts for highway work with the Department of  
16 Transportation of this State, "locality" may at the discretion  
17 of the Secretary of the Department of Transportation be  
18 construed to include two or more adjacent counties from which  
19 workers may be accessible for work on such construction.

20 "Public body" means the State or any officer, board or  
21 commission of the State or any political subdivision or  
22 department thereof, or any institution supported in whole or in  
23 part by public funds, and includes every county, city, town,  
24 village, township, school district, irrigation, utility,  
25 reclamation improvement or other district and every other  
26 political subdivision, district or municipality of the state

1 whether such political subdivision, municipality or district  
2 operates under a special charter or not.

3 The terms "general prevailing rate of hourly wages",  
4 "general prevailing rate of wages" or "prevailing rate of  
5 wages" when used in this Act mean the hourly cash wages plus  
6 fringe benefits for training and apprenticeship programs  
7 approved by the U.S. Department of Labor, Bureau of  
8 Apprenticeship and Training, health and welfare, insurance,  
9 vacations and pensions paid generally, in the locality in which  
10 the work is being performed, to employees engaged in work of a  
11 similar character on public works.

12 (Source: P.A. 94-750, eff. 5-9-06; 95-341, eff. 8-21-07.)